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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,177	12/18/2001	Masahiro Ono	Q67629	9328

7590 11/21/2005  
SUGHRUE, MION, ZINN, MACPEAK & SEAS  
2100 Pennsylvania Avenue, N.W.  
Washington, DC 20037

EXAMINER
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TON, DANG T

ART UNIT	PAPER NUMBER
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2666

DATE MAILED: 11/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/020,177	Applicant(s) ONO ET AL.	
	Examiner DANG T. TON	Art Unit 2666	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 December 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 8-15 is/are rejected.
- 7) ☒ Claim(s) 6 and 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/4/03</u> . | 6) <input type="checkbox"/> Other: _____  |

1. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

2. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

3. Claim 15 is objected to under 37 C.F.R 1.75 because of the following formality:

In claim 15 line 6, " a transport stream" seems to refer back to " a transport stream" recited at line 2. If this is true, it is suggested applicant to change " a transport stream " to --- the transport stream ---. The same is true with the term " a multiplexing device " recited at line 13.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-5 and 8-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Anderson (2003/0206605).

For claims 1-5 and 8-15, Anderson discloses a digital audio/video recovery algorithm comprising:  
generating process of generating time information for the transport stream (see paragraph 0013-0015); controlling process of controlling transfer timing of access units so as to conform to the time information, the access units being units of access of encoded data(see paragraph 0015 and box audio/video encoder in figure 1); and multiplexing process of multiplexing the access units and the time information, and forming the transport stream (see paragraph 0013);

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wherein the time information contains time reference information that provides a time reference of the transport stream and reproduction time information that stipulates reproduction time of the access units(see paragraph 0015);

wherein the reproduction time information is a PTS (Presentation Time Stamp) embedded in a PES header of a PES packet(see paragraph 0014);

wherein transfer timing of the access units and transfer timing of PES headers each having the PTS(Presentation Time Stamp) embedded are controlled so as to be able to be switched based on an enable signal(see paragraph 0014);

wherein each of the access units is newly provided with a parameter that gives a storage quantity of a virtual input buffer at time of reproduction or decoding timing(see paragraph 0021);

wherein the transport stream is transmitted as packets by taking a TS(Transport Stream) packet as unit(see paragraph 0019);

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wherein TS(Transport Stream) packets includes TS packets each formed of only time information(see paragraph 0019);

a generating device for generating time information for the transport stream(see paragraph 0013-0015); a controlling device for controlling transfer timing of access units so as to conform to the time information, the access units being units of access of encoded data (see paragraph 0013-0015); and a multiplexing device for multiplexing the access units and the time information, and forming the transport stream (see paragraph 0013);

wherein the time information contains time reference information that provides a time reference of the transport stream and reproduction time information that stipulates reproduction time of the access units(see paragraph 0015);

wherein the reproduction time information is a PTS(Presentation Time Stamp) embedded in a PES header of a PES packet(see abstract line 1);

wherein transfer timing of the access units and transfer timing of PES headers each having the PTS(Presentation time stamp)

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embedded are controlled so as to be able to be switched based on an enable signal(see paragraph 0014);

wherein each of the access units is newly provided with a parameter that gives a storage quantity of a virtual input buffer at time of reproduction or decoding timing(see paragraph 0021);

a generating device for generating time information for the transport stream(see paragraph 0013-0015); a controlling device for controlling transfer timing of access units so as to conform to the time information, the access units being units of access of encoded data(see paragraph 0013-0015); and a multiplexing device for multiplexing the access units and the time information, and forming the transport stream(see paragraph 0013).

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Anderson et al. (6,356,567) is cited to show a system which are considered pertinent to the claimed invention.

6. Claims 6-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANG T. TON whose telephone number is 571-272-3171. The examiner can normally be reached on MON-WED, 5:30 AM-6:00 PM and Thur 5:30-9:30 A.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RAO SEEMA can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

D. Ton



DANG TON  
PRIMARY EXAMINER